

### **REMARKS**

Claims 1-6 and 43-48 are pending. By this amendment, claims 1 and 43 are amended, new claims 85-90 are added, and claims 3 and 45 are cancelled. No new matter is introduced. Support for the amendments and new claims may be found at least in Figure 10 and at page 12, line 10 to page 14, line 11 and page 10, lines 10-17 of the specification and in original claims 3, 6, and 45. Reconsideration and allowance of all pending claims is respectfully requested in view of the preceding amendments and following remarks.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 43-48 are rejected under 35 U.S.C. §112, second paragraph. Claims 43-48 are amended to recite a computer readable medium. Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. §101**

Claims 1-6 and 43-48 are rejected under 35 U.S.C. §101. This rejection is respectfully traversed.

Claims 3 and 45 have been cancelled, rendering the rejection of claims 3 and 45 moot.

35 U.S.C. §101 states that patents are available for “any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereof.” The repetitive use of the term “any” in that provision shows Congressional intent that there be no restriction beyond those expressly mentioned in the statute. Furthermore, in Diamond v. Chakrabarty, 447 U.S. 303 (1980), the U.S. Supreme Court stated that patentable subject matter includes “anything under the sun that is made by man.” The method recited in claims 1-2 and 4-6 is a process or business method clearly covered under the statutory language. See State Street Bank & Trust Co. v. Signature Financial Group, 149 F.3d 1368 (Fed. Cir. Jul.23, 1998).

With respect to claims 43, 44, and 46-48, these claims have been amended to recite a data structure, which is directed to statutory subject matter within §101. See In re Lowry, 32 F.2d 1579 (Fed. Cir. 1994). Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

New claim 85 recites a “computerized method,” which is directed to statutory subject matter. New claims 86-90 are computer readable medium claims, which is also directed to statutory subject matter.

### Claim Rejections Under 35 U.S.C. §103

Claims 1-6 and 43-48 are rejected under 35 U.S.C. §103 (a) over U.S. Patent 6,064,986 to Edelman (hereafter Edelman) in view of U.S. Patent 6,061,661 to Hagan (hereafter Hagan). This rejection is respectfully traversed.

Claims 3 and 45 have been cancelled, rendering the rejection of claims 3 and 45 moot.

Edelman is directed to a computer program product, system or process that administer resources of a customer for the benefit of a beneficiary. Hagan is directed to a system for monitoring increasing income financial products. However, Edelman and Hagan, individually and in combination, do not disclose or suggest “determining whether an investment period has ended; and distributing all of the fixed component, the contingent component, the fixed interest, and the contingent interest when the investment period has ended,” as recited in amended claim 1 (emphasis added).

Additionally, claim 1 is amended to incorporate the subject matter of claim 3. The Examiner acknowledges on page 4 of the Office Action that Edelman and Hagan combined do not explicitly teach the steps recited in claim 3. However, the Examiner states on page 5 of the Office Action that “[o]fficial notice is taken that these steps are old and well known in the art.” Applicant respectfully traverses the Official Notice taken and requests the Examiner present references supporting the Official Notice and provide, from these references, a motivation for combining these specific features.

Since Edelman and Hagan, individually and in combination, do not disclose or suggest all of the elements of amended claim 1, claim 1 is patentable over Edelman and Hagan.

Claims 2 and 6 are allowable because they depend from allowable claim 1 and for the additional features they recite.

Regarding claim 43, for at least the same reason as stated above with respect to claim 1, Edelman and Hagan, individually and in combination, do not disclose or suggest “the fixed component invests sixty to ninety percent of the funds in the fixed component ... the contingent component invests ten to forty percent of the funds in the contingent component; determining whether an investment period has ended; and distributing all of the fixed component, the contingent component, the fixed interest, and the contingent interest when the investment period has ended,” as recited in amended claim 43 (emphasis added). Therefore, amended claim 43 is patentable over Edelman and Hagan.

Claims 44 and 48 are allowable because they depend from allowable claim 43 and for the additional features they recite. Withdrawal of the rejection of claims 1, 2, 6, 43, 44, and 48 under 35 U.S.C. § 103(a) is respectfully requested.

With respect to claims 4-5 and 46-47, the Examiner acknowledges on page 4 of the Office Action that Edelman and Hagan combined do not explicitly teach the steps recited in these claims. However, the Examiner states on page 5 of the Office Action that "[o]fficial notice is taken that these steps are old and well known in the art." Applicant respectfully traverses the Official Notice taken and requests the Examiner present references supporting the Official Notice. Applicant maintains that claims 4-5 and 46-57 recite novel features that are patentable.

Furthermore, Claims 4-5 and 46-47 are allowable because they depend from allowable claims 1 and 43, respectively, and for the additional features they recite. Withdrawal of the rejection of claims 4-5 and 46-47 under 35 U.S.C. § 103(a) is respectfully requested.

New claim 85 is allowable because it depends from allowable claim 1 and for the additional features it recites.

Regarding new claim 86, for at least the same reason as stated above with respect to claim 1, new claim 86 is patentable over Edelman and Hagan. Claims 87-90 are allowable because they depend from allowable claim 86, and for the additional features they recite.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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Respectfully submitted,



Sean S. Wooden  
Registration No. 43,997  
**Andrews Kurth LLP**  
1701 Pennsylvania Ave, N.W.  
Suite 300  
Washington, DC 20006  
Tel. (202) 662-2736  
Fax (202) 662-2739